

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES REGINALD COOKS, AT7962,	)	
	)	
Plaintiff(s),	)	No. C 16-0230 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
UNITED STATES COURT OF APPEALS	)	(Dkt. #10)
SUPERVISOR, et al.,	)	
	)	
Defendant(s).	)	

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Plaintiff, a prisoner at California State Prison, Solano and frequent litigant in federal court, filed a pro se complaint under 42 U.S.C. § 1983 challenging the allegedly unlawful actions of a court clerk. Plaintiff also sought to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915.

On January 21, 2016, the court found that 28 U.S.C. § 1915(g) bars plaintiff from proceeding IFP in this action because plaintiff: (1) has had three or more prior prisoner actions dismissed by a federal district court on the grounds that they are frivolous, malicious, or fail to state a claim upon which relief may be granted; and (2) is not seeking relief from a danger of serious physical injury which is imminent at the time of filing. Jan. 21, 2016 Order at 2 (citing cases).

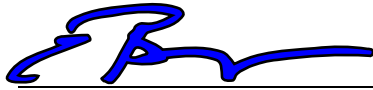
1 Pursuant to the law of the circuit, plaintiff nonetheless was afforded an  
2 opportunity to persuade the court that § 1915(g) does not bar IFP status for him.  
3 Id. (citing Andrews v. King, 398 F.3d 1113, 1120 (9th Cir. 2005)). The court  
4 gave plaintiff 28 days to “show cause why § 1915(g) does not bar IFP status for  
5 him,” and explained that “[f]ailure to show cause, or pay the requisite  
6 \$ 400.00 filing fee, within the designated time will result in the dismissal of this  
7 action without prejudice to bringing it in a new paid complaint.” Id.

8 Plaintiff has responded by filing an amended complaint and a new  
9 prisoner’s application to proceed IFP under 28 U.S.C. § 1915. But he in no way  
10 shows in these filings, or anywhere else, that § 1915(g) does not bar IFP status  
11 for him in this prisoner action. Plaintiff’s instant prisoner action accordingly is  
12 DISMISSED without prejudice to bringing it in a paid complaint.

13 The clerk shall enter judgment in accordance with this order, terminate all  
14 pending motions (see dkt. #10) as moot, and close the file.

15 SO ORDERED.

16 DATED: Feb. 25, 2016

  
17 CHARLES R. BREYER  
18 United States District Judge  
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